

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANTOLIN ANDREW MARKS,

Plaintiff,

v.

TOM GILES *et al.*,

Defendants.

Case No. C07-5572RJB/JKA

ORDER

This 42 U.S.C. § 1983/Bivens action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4.

The court has previously unsealed document # 22. Before the court is Mr. Marks motion to have the court take “judicial notice” of the grievance attached as an exhibit. Mr. Marks argues this grievance, filed by him, supports his position. The document has been unsealed and may be cited to by any party to this litigation. The exhibit is not properly subject to judicial notice as it contains contested facts.

The motion is **DENIED**. The Clerk is directed to mail a copy of this Order to plaintiff and counsel and remove docket number 22 from the court’s calendar.

DATED this 21 day of July 2008.

/S/ J. Kelley Arnold  
J. Kelley Arnold  
United States Magistrate

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